

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF INDIANA

INDIANAPOLIS DIVISION

IN RE:

MARY JOANNE LITTLEJOHN

CASE NO: 17-03305-JMC-13

DEBTOR

TRUSTEE'S MOTION TO DETERMINE VALIDITY OF PAYMENT CHANGE

Claim #6 – US Bank, NA / SN Servicing

Comes now Ann DeLaney, Trustee herein, and moves the Court pursuant to Fed.R.Bankr.P. 3002.1P for the entry of an order in this case determining the status of the monthly mortgage payment as set forth in the Notice of Mortgage Payment Change filed by US Bank, NA / SN Servicing (Creditor) on May 5, 2019. In support of this Motion, Trustee states as follows:

1. Debtor filed Chapter 13 Bankruptcy on May 3, 2017. Included in the eventual confirmed plan was a provision for Debtor's post-petition mortgage payments to be paid via Trustee conduit to their mortgage creditor.
2. Creditor filed its Proof of Claim # (POC) on September 5, 2017. The POC showed the post-petition monthly mortgage payment as \$649.58, which was comprised of \$478.01 in principal & interest and escrow of \$171.57. Interest rate on the POC is listed as 3.125%.
3. Also specified in the POC was arrearage as of the date of the petition of \$17,099.12. Part of the arrearage calculation was a projected escrow deficiency of \$3,607.05 and a projected escrow shortage of \$659.05.
4. On June 19, 2018, Creditor filed a Notice of Payment Change (the Notice), which increased the monthly mortgage payment to \$748.86 effective also August 1, 2018 due to an increase in the escrow from 0 to \$240.01. The Notice was withdrawn October 31, 2018.
5. Due to the withdrawal of the Notice (June 19, 2018), the monthly mortgage payment remained at \$649.58.
6. On December 27, 2018, Creditor filed another Notice increasing the monthly payment \$525.98 per month effective February 1, 2019 to \$1,175.56. Per the Notice, the increase was directly attributable to the increase in the interest rate from 4.125% to 5.375% and increasing the principal and interest payment from \$508.85/month to \$935.55/month. The Notice was withdrawn February 15, 2019.
7. Due to the withdrawal of the Notice (December 27, 2018), the monthly mortgage payment remained at \$649.58.

8. On May 8, 2019, Creditor filed another Notice increasing the monthly payment \$457.54 per month effective June 1, 2019. Per the Notice, the increase was directly attributable to the increase in interest rate from 4.125% to 5.375% and increasing the principal and interest payment from \$478.01/month to \$935.55/month.
9. At this time, the accuracy of the Notice cannot be verified in light of the various Notices that have been filed and withdrawn.

WHEREFORE, after providing the opportunity to object, your Trustee requests that this Court issue an order determining the status of the monthly mortgage payment as set forth in the Notice filed May 8, 2019, by the Creditor, and, if applicable, direct Creditor to file an amended Notice of Mortgage Payment Change and for such further relief as the Court deems just.

Respectfully submitted,

Date: June 14, 2019

/s/ Ann DeLaney  
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**CERTIFICATE OF SERVICE**

I do hereby certify that a copy of the forgoing Motion has been duly served upon the following individuals, by electronic of United States mail, first class postage prepaid, on this date:

**June 14, 2019**

US Trustee	<i>via electronic mail</i>
Joseph A. Ross	<i>via electronic mail</i>
US Bank, NA	c/o SN Servicing, 323 5 <sup>th</sup> Street, Eureka, CA 95501
Mary JoAnne Littlejohn	5444 W. Bedrock Road, Bloomington, IN 47403